

Amendment No. 1 to HB1257

West
Signature of Sponsor

AMEND Senate Bill No. 876*

House Bill No. 1257

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

by adding the following language as new subdivisions at the end of the amendatory language of

Section 1:

(3) Neither an employee, or an employee's dependents or beneficiaries, considered disabled from an occupational disease and its effects pursuant to this subsection (b), nor the employer of such an employee, shall be entitled either to make a claim pursuant to Tennessee Code Annotated § 50-6-206 for benefits against, or to receive benefits pursuant to Tennessee Code Annotated § 50-6-208 from, the Second Injury Fund.

(4) The provisions of this subsection (b) shall not apply to workers' compensation claims as defined in Tennessee Code Annotated § 9-8-307(a)(1)(K), by a "state employee" as defined in Tennessee Code Annotated § 8-42-101(3).

(5) There shall be no award of, or entitlement to, medical benefits as defined by Tennessee Code Annotated § 50-6-204, in claims brought under this section for past, present, or future medical diagnosis or treatment. Medical benefits for conditions covered herein are provided under the Energy Employees Occupational Injury Compensation Program Act, and this section is not intended to impact entitlement to those benefits.

(6) Notwithstanding any statute or law to the contrary, all claims made payable pursuant to this section shall not be included in the experience modification factors, as contemplated by the Tennessee Workers' Compensation Law at Tennessee Code Annotated § 50-6-414, or elsewhere, for changes in the loss history of employers that are attributable to awards paid to an employee, or an employee's dependents or beneficiaries, for benefits under this section, to the extent that the affected employer is reimbursed or indemnified by the Federal Government for such benefits paid.

